

REMARKS

Reconsideration and withdrawal of the rejection with respect to all of the claims now in the application (i.e., Claims 1-13) are respectfully requested in view of the foregoing amendments and the following remarks.

The specification has been amended as recommended by the Examiner. More specifically, "end portion/cap or tip" has been changed from "5" to properly recite "4" and the "score-line" has been changed from "4" to properly recite "5".

Concerning the priority document, a certified copy of U.K. patent application 9914621.9 will be supplied to perfect the claim of foreign priority in due course.

Before turning to the prior art rejection of the claims, it should be noted that, at the heart of Applicant's invention, is a dispenser which stores and delivers a single dose of oral medicament into the mouth of a user. The dispenser of the present invention is an extremely distinctive unique form of oral medicament dispenser for dispensing the required single dose of oral medicament that is by virtue of its shape and configuration easy to handle and use and which, furthermore, has the added benefit of psychological association with a medicine spoon. It is small and compact and is readily used by squeezing the small (typically 2.5ml to 10ml capacity) bulb portion between forefinger and thumb to dispense the medicament through the tube into the mouth of the patient. By this amendment, the claims have been amended to emphasize that Applicant is claiming an oral medicine dispenser by adding reference to the fact that the collapsible reservoir portion may be manually squeezed between

one's thumb and forefinger to collapse the reservoir portion sufficient to dispense at least a major part of the medicine; support for this limitation can be found at pg. 6, lines 11-15. As will be discussed in greater detail hereinafter, none of the cited art, either alone or in combination, disclose or suggest such a novel oral medicine dispenser, as now claimed.

It should also be noted that Claim 1 was further amended to remove the improper alternative language "substantially all of" which is now set forth in new Claim 13. Similarly, Claim 6 has been amended to remove the improper alternative language with regards to the shape/configuration of the reservoir portion and the deleted limitation is now set forth in Claim 11. In addition, Claim 10 has been amended to depend from Claim 1. Finally, new Claim 12 has been added to highlight the small size of the dispenser as having a 2.5 to 10 ml capacity.

Turning now to the 102 rejection of the claims as being anticipated by Farris, the Farris device is not an oral medicine dispenser containing and for administering a single pre-measured dose of an oral medicament. The device of Farris is for delivery of medicating liquid via a luer either through a syringe needle or into a long line catheter system. The device is a syringe generally for intravenous delivery of liquid medicaments and not oral medicaments. Indeed, one would never seek to use a syringe for oral delivery of oral medication.

Moreover, Claim 10 now depends from Claim 1 and Claim 1 has been amended to add the limitation that the collapsible reservoir may be squeezed "between one's forefinger and a thumb". This is not true of Farris. Farris's pre-filled device contains

in use a dose of non-oral medicament for intravenous delivery. The device is a syringe having a large unwieldy bellows chamber for storage of the medicament and gas and is not operable by squeezing only between forefinger and thumb, but rather is too large and unwieldy for this and must generally be compressed between the palm and at least two fingers gripping the finger purchase flange 24 to dispense the non-oral medicament through the needle or catheter. Thus, it is respectfully submitted that the dispenser of the present invention, as now claimed is novel and inventive over Farris and that the claims are neither anticipated nor rendered obvious by Farris.

With respect to the 103 rejection of Claims 1-9 as being unpatentable over Farris in view of Stein, the secondary reference to Stein does not cure these basic and crucial deficiencies of the primary reference. Stein discloses a baby food storing and dispensing spoon where the part that resembles and functions as a spoon is the food delivery end that is covered by a removable cap and with the handle having at one end a large covered bowl shaped chamber to hold the baby food that is delivered through the handle to the head of the spoon for feeding to the baby. Stein's baby food dispensing spoon with large covered bowl-shaped storage chamber is not generally shaped to resemble a spoon at least in profile. Only a small part of it resembles a spoon in profile, the delivery end. The device is described by Stein as a spoon because the delivery end functions as a spoon. It is, however, wholly unsuitable for use for the present purposes. Given that the spoon shaped head of the handle that feeds to the baby will, of course, be approximately medicine spoon sized and the storage chamber is clearly many times larger than this, it is clearly not readily held and squeezed

between forefinger and thumb, as presently claimed. It would hold a medicine dose, if it were used for such, that would be many tens of ml and far exceed a single dose level. Furthermore, even if it were adapted to be squeezed (of which there is no evidence at all in the design patent) the user's whole hand would be required to compress the vast storage chamber.

On the one hand, therefore, one has Farris's pre-filled fluid syringe for intravenous delivery of a dose of non-oral medicament and where the device is a syringe having finger grips and a bellows chamber for storage of the medicament and gas to pump out the medicament and which is certainly not a compact single dose oral medicament dispenser designed to be operable by simply squeezing the chamber between forefinger and thumb, as presently claimed. On the other hand, one has a baby food storing and dispensing spoon that is again far from being generally spoon shaped in profile and which has a comparatively vast storage chamber and teaches nothing towards the present invention. Stein's baby food feeding spoon certainly would never even be consulted by one skilled in the art seeking to create new and improved oral medicament dispensers.

Finally, of course, if one skilled in the art were to refer to Stein and Farris and contemplate using selected elements of Stein and Farris together for making an oral medicament dispenser one would either end up with a vast enclosed bowl-shaped storage chamber with a spoon shaped delivery head like Farris or with a bellows shaped storage chamber and spoon shaped delivery head. This would never be a compact device that is generally spoon shaped in profile for delivery of medicament

by squeezing the chamber between thumb and forefinger, as presently claimed.

Not only are Farris and Stein not suitable for combination with each other, they both, neither alone nor in combination, teach or suggest the dispenser of the present invention. Indeed, to combine them in a manner to suggest the invention as now claimed can only be had through improper hindsight reasoning based upon Applicant's disclosure. Accordingly, it is believed that the 103 rejection of the claims should be withdrawn.

To assist the Examiner in appreciating the unique nature and distinctive merits of the oral medicament dispenser of the present invention, enclosed herewith is a sample of the product. Nothing currently available or described and illustrated in the cited patent documents is remotely like this oral medicament dispenser and it is Applicant's belief that its use will revolutionize the packaging and retailing of oral medicaments.

Finally, Applicant hereby requests a two month extension of time in which to respond to the First Office Action. Credit Card payment form no. PTO-2038 for \$205.00 is enclosed for covering the official fee for a two month extension of time. Any fee deficiency or overpayment may be charged or credited to applicant's Deposit Account No. 07-0130.

In light of the above, it is respectfully submitted that all claims now pending in the application (Claims 1 to 13) are believed to be allowable over the cited prior art. Accordingly, an expeditious and favorable action is hereby solicited. If the Examiner has any further questions regarding this application, he is respectfully requested to contact Applicant's attorney at the telephone number set forth below.

Respectfully submitted,

CLARK ET AL.



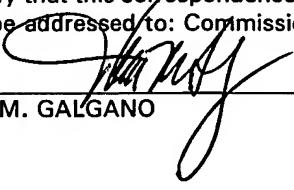
Thomas M. Galgano, (27,638)
GALGANO & BURKE
Attorneys for Applicant
300 Rabro Drive, Suite 135
Hauppauge, NY 11788
(631) 582-6161

TMG/jgg

Enclosure: Sample of Product
USPTO Form 2038 in the amount of \$205.00
Postcard

F:\G&b\1182\42\A\CIP\AMENDFOA.wpd

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313 on September 30, 2003

By: 
THOMAS M. GALGANO

Date: September 30, 2003